

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-279

CAROL MARIE PATTERSON
a.k.a. CAROL MARIE GERHARDSON

655 Hilltop Drive, #111
Redding, CA 96003

2708 Wilson Avenue, Apt. B
Redding, CA 96002-1773

Registered Nurse License No. 443820

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, as its Decision in this matter.

This Decision shall become effective on January 29, 2009.

It is so ORDERED December 29, 2008.

LaFrancine W Tate

FOR THE BOARD OF REGISTERED NURSING

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGERT
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2007-279

12 CAROL MARIE PATTERSON
13 a.k.a. CAROL MARIE GERHARDSON

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 655 Hilltop Drive, #111
Redding, CA 96003

15 2708 Wilson Avenue, Apt. B
16 Redding, CA 96002-1773

17 Registered Nurse License No. 443820

18 Respondent.

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
25 by Jeffrey M. Phillips, Deputy Attorney General.

26 2. Carol Marie Patterson (Respondent) is represented in this proceeding by
27 attorney Eric Omstead, whose address is Pine Street School Plaza, 1135 Pine Street, Suite 215
28 Redding, CA 96001--750.

3. On or about August 31, 1989, the Board of Registered Nursing issued Registered Nurse License No. RN 443820 to Respondent. The Registered Nursing License was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-279 and will expire on July 31, 2009, unless renewed.

JURISDICTION

4. Accusation No. 2007-279 was filed before the Board of Registered Nursing (“Board”), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 3, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-279 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2007-279. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-279.

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1 9. Respondent agrees that her Registered Nurse License is subject to
2 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
3 Disciplinary Order below.

4 RESERVATION

5 10. The admissions made by Respondent herein are only for the purposes of
6 this proceeding, or any other proceedings in which the Board or other professional licensing
7 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

8 CONTINGENCY

9 11. The parties understand and agree that facsimile copies of this Stipulated
10 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
11 force and effect as the originals.

12 12. In consideration of the foregoing admissions and stipulations, the parties
13 agree that the Board may, without further notice or formal proceeding, issue and enter the
14 following Disciplinary Order:

15 DISCIPLINARY ORDER

16 IT IS HEREBY ORDERED that Registered Nurse License No. RN 443820 issued
17 to Respondent Carol Marie Patterson (Respondent) is revoked. However, the revocation is
18 stayed and Respondent is placed on probation for three and one-half (3 1/2) years on the
19 following terms and conditions.

20 **Severability Clause.** Each condition of probation contained herein is a separate
21 and distinct condition. If any condition of this Order, or any application thereof, is declared
22 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
23 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
24 and enforceable to the fullest extent permitted by law.

25 1. **Actual Suspension of License.** Respondent is suspended from the
26 practice of registered nursing for six (6) months beginning the effective date of this Decision.

27 During the suspension period, all probation conditions are in full force and effect
28 except those relating to actual nursing practice. Further, the six (6) month period of suspension

1 will not be considered as "probationary time" should Respondent apply for any reduction of the
2 period of probation.

3 2. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
4 A full and detailed account of any and all violations of law shall be reported by Respondent to
5 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
6 compliance with this condition, Respondent shall submit completed fingerprint forms and
7 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
8 as part of the licensure application process.

9 **Criminal Court Orders:** If Respondent is under criminal court orders, including
10 probation or parole, and the order is violated, this shall be deemed a violation of these probation
11 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

12 3. **Comply with the Board's Probation Program.** Respondent shall fully
13 comply with the conditions of the Probation Program established by the Board and cooperate
14 with representatives of the Board in its monitoring and investigation of the Respondent's
15 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
16 within no more than 15 days of any address change and shall at all times maintain an active,
17 current license status with the Board, including during any period of suspension. Upon
18 successful completion of probation, Respondent's license shall be fully restored.

19 4. **Report in Person.** Respondent, during the period of probation, shall
20 appear in person at interviews/meetings as directed by the Board or its designated
21 representatives.

22 5. **Residency, Practice, or Licensure Outside of State.** Periods of
23 residency or practice as a registered nurse outside of California shall not apply toward a reduction
24 of this probation time period. Respondent's probation is tolled, if and when she resides outside
25 of California. Respondent must provide written notice to the Board within 15 days of any change
26 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
27 returning to practice in this state.

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1 Respondent shall provide a list of all states and territories where she has ever been
2 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
3 provide information regarding the status of each license and any changes in such license status
4 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
5 new nursing license during the term of probation.

6 6. **Submit Written Reports.** Respondent, during the period of probation,
7 shall submit or cause to be submitted such written reports/declarations and verification of actions
8 under penalty of perjury, as required by the Board. These reports/declarations shall contain
9 statements relative to Respondent's compliance with all the conditions of the Board's Probation
10 Program. Respondent shall immediately execute all release of information forms as may be
11 required by the Board or its representatives.

12 Respondent shall provide a copy of this Decision to the nursing regulatory agency
13 in every state and territory in which she has a registered nurse license.

14 7. **Function as a Registered Nurse.** Respondent, during the period of
15 probation, shall engage in the practice of registered nursing in California for a minimum of 24
16 hours per week for 6 consecutive months or as determined by the Board.

17 For purposes of compliance with the section, "engage in the practice of registered
18 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
19 work in any non-direct patient care position that requires licensure as a registered nurse.

20 The Board may require that advanced practice nurses engage in advanced practice
21 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
22 Board.

23 If Respondent has not complied with this condition during the probationary term,
24 and Respondent has presented sufficient documentation of her good faith efforts to comply with
25 this condition, and if no other conditions have been violated, the Board, in its discretion, may
26 grant an extension of Respondent's probation period up to one year without further hearing in
27 order to comply with this condition. During the one year extension, all original conditions of
28 probation shall apply.

1 8. **Employment Approval and Reporting Requirements.** Respondent
2 shall obtain prior approval from the Board before commencing or continuing any employment,
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within
9 seventy-two (72) hours after she obtains any nursing or other health care related employment.

10 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
11 terminated or separated, regardless of cause, from any nursing, or other health care related
12 employment with a full explanation of the circumstances surrounding the termination or
13 separation.

14 9. **Supervision.** Respondent shall obtain prior approval from the Board
15 regarding Respondent's level of supervision and/or collaboration before commencing or
16 continuing any employment as a registered nurse, or education and training that includes patient
17 care.

18 Respondent shall practice only under the direct supervision of a registered nurse
19 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
20 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
21 are approved.

22 Respondent's level of supervision and/or collaboration may include, but is not
23 limited to the following:

24 (a) Maximum - The individual providing supervision and/or collaboration is
25 present in the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in
27 the patient care unit or in any other work setting at least half the hours Respondent works.

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1 (c) Minimum - The individual providing supervision and/or collaboration has
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health
4 care setting, the individual providing supervision and/or collaboration shall have person-to-
5 person communication with Respondent as required by the Board each work day. Respondent
6 shall maintain telephone or other telecommunication contact with the individual providing
7 supervision and/or collaboration as required by the Board during each work day. The individual
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 10. **Employment Limitations.** Respondent shall not work for a nurse's
11 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
12 traveling nurse, or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse
14 unless the registered nursing supervision and other protections for home visits have been
15 approved by the Board. Respondent shall not work in any other registered nursing occupation
16 where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered
18 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the
25 Board may request documentation to determine whether there should be restrictions on the hours
26 of work.

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1 11. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
2 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
3 than six months prior to the end of her probationary term.

4 Respondent shall obtain prior approval from the Board before enrolling in the
5 course(s). Respondent shall submit to the Board the original transcripts or certificates of
6 completion for the above required course(s). The Board shall return the original documents to
7 Respondent after photocopying them for its records.

8 12. **Cost Recovery.** Respondent shall pay to the Board costs associated with
9 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of ~~\$7,610.50~~ \$3,805.25 *gmp* Respondent shall be permitted to pay these costs in a payment plan
11 approved by the Board, with payments to be completed no later than three months prior to the
12 end of the probation term.

13 If Respondent has not complied with this condition during the probationary term,
14 and Respondent has presented sufficient documentation of her good faith efforts to comply with
15 this condition, and if no other conditions have been violated, the Board, in its discretion, may
16 grant an extension of Respondent's probation period up to one year without further hearing in
17 order to comply with this condition. During the one year extension, all original conditions of
18 probation will apply.

19 13. **Violation of Probation.** If Respondent violates the conditions of her
20 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
21 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
22 license.

23 If during the period of probation, an accusation or petition to revoke probation has
24 been filed against Respondent's license or the Attorney General's Office has been requested to
25 prepare an accusation or petition to revoke probation against Respondent's license, the
26 probationary period shall automatically be extended and shall not expire until the accusation or
27 petition has been acted upon by the Board.

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1 14. **License Surrender.** During Respondent's term of probation, if she ceases
2 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
3 probation, Respondent may surrender her license to the Board. The Board reserves the right to
4 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
5 take any other action deemed appropriate and reasonable under the circumstances, without
6 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
7 will no longer be subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and
9 shall become a part of Respondent's license history with the Board. A registered nurse whose
10 license has been surrendered may petition the Board for reinstatement no sooner than the
11 following minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any
13 reason other than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15 15. **Physical Examination.** Within 45 days of the effective date of this
16 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
17 physician assistant, who is approved by the Board before the assessment is performed, submit an
18 assessment of the Respondent's physical condition and capability to perform the duties of a
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
20 medically determined, a recommended treatment program will be instituted and followed by the
21 Respondent with the physician, nurse practitioner, or physician assistant providing written
22 reports to the Board on forms provided by the Board.

23 If Respondent is determined to be unable to practice safely as a registered nurse,
24 the licensed physician, nurse practitioner, or physician assistant making this determination shall
25 immediately notify the Board and Respondent by telephone, and the Board shall request that the
26 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
27 shall immediately cease practice and shall not resume practice until notified by the Board.
28 During this period of suspension, Respondent shall not engage in any practice for which a license

1 issued by the Board is required until the Board has notified Respondent that a medical
2 determination permits Respondent to resume practice. This period of suspension will not apply
3 to the reduction of this probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within
5 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
6 practice until notified by the Board. This period of suspension will not apply to the reduction of
7 this probationary time period. The Board may waive or postpone this suspension only if
8 significant, documented evidence of mitigation is provided. Such evidence must establish good
9 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
10 provided. Only one such waiver or extension may be permitted.

11 **16. Participate in Treatment/Rehabilitation Program for Chemical**
12 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
13 period or shall have successfully completed prior to commencement of probation a Board-
14 approved treatment/rehabilitation program of at least six months duration. As required, reports
15 shall be submitted by the program on forms provided by the Board. If Respondent has not
16 completed a Board-approved treatment/rehabilitation program prior to commencement of
17 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
18 a program. If a program is not successfully completed within the first nine months of probation,
19 the Board shall consider Respondent in violation of probation.

20 Based on Board recommendation, each week Respondent shall be required to
21 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
22 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
23 by the Board. If a nurse support group is not available, an additional 12-step meeting or
24 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
25 such attendance to the Board during the entire period of probation. Respondent shall continue
26 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
27 mental health examiner and/or other ongoing recovery groups.

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1 17. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
2 shall completely abstain from the possession, injection or consumption by any route of all
3 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
4 the same are ordered by a health care professional legally authorized to do so as part of
5 documented medical treatment. Respondent shall have sent to the Board, in writing and within
6 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
7 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
8 medication will no longer be required, and the effect on the recovery plan, if appropriate.

9 Respondent shall identify for the Board a single physician, nurse practitioner or
10 physician assistant who shall be aware of Respondent's history of substance abuse and will
11 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
12 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
13 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
14 condition. If any substances considered addictive have been prescribed, the report shall identify a
15 program for the time limited use of any such substances.

16 The Board may require the single coordinating physician, nurse practitioner, or
17 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
18 addictive medicine.

19 18. **Submit to Tests and Samples.** Respondent, at her expense, shall
20 participate in a random, biological fluid testing or a drug screening program which the Board
21 approves. The length of time and frequency will be subject to approval by the Board.
22 Respondent is responsible for keeping the Board informed of Respondent's current telephone
23 number at all times. Respondent shall also ensure that messages may be left at the telephone
24 number when she is not available and ensure that reports are submitted directly by the testing
25 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
26 to the Board by the program and Respondent shall be considered in violation of probation.

27 In addition, Respondent, at any time during the period of probation, shall fully
28 cooperate with the Board or any of its representatives, and shall, when requested, submit to such

1 tests and samples as the Board or its representatives may require for the detection of alcohol,
2 narcotics, hypnotics, dangerous drugs, or other controlled substances.

3 If Respondent has a positive drug screen for any substance not legally authorized
4 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
5 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
6 from practice pending the final decision on the petition to revoke probation or the accusation.
7 This period of suspension will not apply to the reduction of this probationary time period.

8 If Respondent fails to participate in a random, biological fluid testing or drug
9 screening program within the specified time frame, Respondent shall immediately cease practice
10 and shall not resume practice until notified by the Board. After taking into account documented
11 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
12 Board may suspend Respondent from practice pending the final decision on the petition to
13 revoke probation or the accusation. This period of suspension will not apply to the reduction of
14 this probationary time period.

15 19. **Mental Health Examination.** Respondent shall, within 45 days of the
16 effective date of this Decision, have a mental health examination including psychological testing
17 as appropriate to determine her capability to perform the duties of a registered nurse. The
18 examination will be performed by a psychiatrist, psychologist or other licensed mental health
19 practitioner approved by the Board. The examining mental health practitioner will submit a
20 written report of that assessment and recommendations to the Board. All costs are the
21 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
22 result of the mental health examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse,
24 the licensed mental health care practitioner making this determination shall immediately notify
25 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
27 practice and may not resume practice until notified by the Board. During this period of
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this
3 probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within
5 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
6 practice until notified by the Board. This period of suspension will not apply to the reduction of
7 this probationary time period. The Board may waive or postpone this suspension only if
8 significant, documented evidence of mitigation is provided. Such evidence must establish good
9 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
10 provided. Only one such waiver or extension may be permitted.

11 20. **Therapy or Counseling Program.** Respondent, at her expense, shall
12 participate in an on-going counseling program until such time as the Board releases her from this
13 requirement and only upon the recommendation of the counselor. Written progress reports from
14 the counselor will be required at various intervals.

15 ACCEPTANCE

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and
17 have fully discussed it with my attorney, Eric Omstead. I understand the stipulation and the
18 effect it will have on my Registered Nurse. I enter into this Stipulated Settlement and
19 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
20 Decision and Order of the Board.

21 DATED: 8-21-08


CAROL MARIE PATTERSON (Respondent)
Respondent

23 I have read and fully discussed with Respondent Carol Marie Patterson the terms
24 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
25 Order. I approve its form and content.

26 DATED: 8-20-08


ERIC OMSTEAD
Attorney for Respondent

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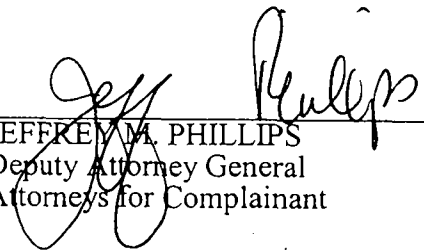
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board.

DATED: 8.26.08

EDMUND G. BROWN JR., Attorney General
of the State of California

ARTHUR D. TAGGERT
Supervising Deputy Attorney General



JEFFREY M. PHILLIPS
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: SA2006100572
10444607.wpd

Exhibit A

Accusation No. 2007-279

1 BILL LOCKYER, Attorney General
of the State of California
2 JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-6292
Facsimile: (916) 327-8643

6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2007 - 279

12 CAROL MARIE PATTERSON,
a.k.a. CAROL MARIE GERHARDSON
13 655 Hilltop Drive, #111
Redding, CA 96003

A C C U S A T I O N

14 Registered Nurse License No. 443820

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
21 ("Board"), Department of Consumer Affairs.

22 2. On or about August 31, 1989, the Board issued Registered Nurse License
23 Number 443820 to Carol Marie Patterson, also known as Carol Marie Gerhardson
24 ("Respondent"). Respondent's registered nurse license was in full force and effect at all times
25 relevant to the charges brought herein and will expire on July 31, 2007, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
2 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under Code
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
7 years after the expiration.

8 5. Code section 2761, subdivision (a), states that the Board may take
9 disciplinary action against a certified or licensed nurse or deny an application for a certificate or
10 license for unprofessional conduct.

11 6. Code section 2762 states, in pertinent part:

12 In addition to other acts constituting unprofessional conduct within
13 the meaning of this chapter [the Nursing Practice Act], it is unprofessional
14 conduct for a person licensed under this chapter to do any of the following:

15 (a) Obtain or possess in violation of law, or prescribe, or except
16 as directed by a licensed physician and surgeon, dentist, or podiatrist
17 administer to himself or herself, or furnish or administer to another, any
18 controlled substance as defined in Division 10 (commencing with Section
19 11000) of the Health and Safety Code or any dangerous drug or dangerous
20 device as defined in Section 4022.

21 (b) Use any controlled substance as defined in Division 10
22 (commencing with Section 11000) of the Health and Safety Code, or any
23 dangerous drug or dangerous device as defined in Section 4022, or alcoholic
24 beverages, to an extent or in a manner dangerous or injurious to himself or
25 herself, any other person, or the public or to the extent that such use impairs
26 his or her ability to conduct with safety to the public the practice authorized
27 by his or her license . . .

28 7. Code section 2770.11 states:

 (a) Each registered nurse who requests participation in a diversion
program shall agree to cooperate with the rehabilitation program designed by a
committee. Any failure to comply with the provisions of a rehabilitation program
may result in termination of the registered nurse's participation in a program. The
name and license number of a registered nurse who is terminated for any reason,
other than successful completion, shall be reported to the board's enforcement
program.

 (b) If a committee determines that a registered nurse, who is denied
admission into the program or terminated from the program, presents a threat to
the public or his or her own health and safety, the committee shall report the name

1 and license number, along with a copy of all diversion records for that registered
2 nurse, to the board's enforcement program. The board may use any of the records
3 it receives under this subdivision in any disciplinary proceeding.

4 Cost Recovery

5 8. Code section 125.3 provides, in pertinent part, that the Board may request
6 the administrative law judge to direct a licensee found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 CONTROLLED SUBSTANCES AT ISSUE

10 9. "Cocaine" is a Schedule II controlled substance as designated by Health
11 and Safety Code section 11055, subdivision (b)(6).

12 RESPONDENT'S TERMINATION FROM BOARD'S 13 DIVERSION PROGRAM AS A PUBLIC SAFETY THREAT

14 10. On or about February 28, 2005, Respondent was enrolled into the Board's
15 Diversion Program. On March 27, 2005, Respondent relapsed by using Cocaine and
16 Benzodiazepines. On June 14, 2005, the Diversion Evaluation Committee ("DEC") terminated
17 Respondent from the Diversion Program as a public safety threat. The DEC found that
18 Respondent had been enrolled in treatment facilities in the previous two months. Respondent
19 was discharged from the first treatment center for testing positive for cocaine. Respondent failed
20 to follow through with her outpatient treatment at the second facility. The DEC also found that
21 Respondent failed to attend her scheduled clinical assessment appointment, failed to sign her pre-
22 DEC agreement and failed to attend her first DEC meeting.

23 FIRST CAUSE FOR DISCIPLINE

24 (Self-Administration of Controlled Substances)

25 11. Respondent is subject to disciplinary action pursuant to Code section
26 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
27 2762, subdivision (a), in that in and between June 2004, and June 2005, while licensed as a
28 registered nurse, Respondent self-administered the controlled substance cocaine without lawful
authority therefor.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Use of Controlled Substances to an Extent or in a Manner**

3 **Dangerous or Injurious to Oneself or Others)**

4 12. Respondent is subject to disciplinary action pursuant to Code section
5 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
6 2762, subdivision (b), in that in and between June 2004, and June 2005, while licensed as a
7 registered nurse, Respondent used the controlled substance cocaine to an extent or in a manner
8 dangerous or injurious to herself and/or others, as follows:

9 a. In or about June 2004, Respondent submitted to a drug test, ordered by her
10 physician, and tested positive for cocaine.

11 b. Respondent, by her own admission, began abusing crack cocaine in
12 October 2004, and smoked it several times a week. Respondent last smoked crack cocaine in
13 May or June 2005.

14 **PRAYER**


15 WHEREFORE, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 443820, issued
18 to Carol Marie Patterson, also known as Carol Marie Gerhardson;

19 2. Ordering Carol Marie Patterson, also known as Carol Marie Gerhardson,
20 to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement
21 of this case, pursuant to Business and Professions Code section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 7/25/07.

24 
25 RUTH ANN TERRY, M.P.H., R.N.
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant